

FILED

UNITED STATES DISTRICT COURT

MAR 10 2008

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NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

v.

MAGISTRATE JUDGE ASHMAN

SHAMUISDEEN ASEKUN

CASE NUMBER:

08CR704

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 7, 2008, in Cook County, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant:

knowingly and intentionally distributed, and possessed with intent to distribute a controlled substance, namely, 100 grams or more of a mixture containing heroin, a Schedule II Narcotic Drug Controlled Substance,

in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Krystle L. Intoe, Special Agent
Immigration and Customs Enforcement

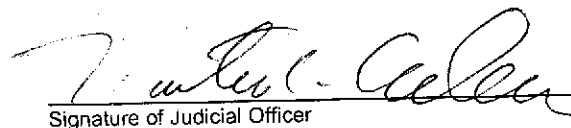
Sworn to before me and subscribed in my presence,

March 10, 2008

Date

at Chicago, Illinois
City and State

Martin C. Ashman, United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

I, Krystle L. Intoe, being duly sworn on oath, state as follows:

1. I am a Special Agent with the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) and have been so employed since April of 2006. My primary duties consist of investigating criminal violations of the federal controlled substance laws, including, but not limited to, Title 21, United States Code, Sections 841, 843, and 846. I am an investigative or law enforcement officer of the United States, within the meaning of Title 18, United States Code, Section 2510(7); that is; I am an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I am currently assigned to the office of the Resident Agent in Charge (RAC) O'Hare International Airport. During my employment, I have received specialized training and have experience in investigating violations of the immigration, import and export laws of the United States, including violations involving the illegal importation of narcotics. Specifically, I have received training in the smuggling of narcotics across the United States (US) borders and the methods used to traffic narcotics into the United States.

PURPOSE OF THE AFFIDAVIT

3. The information contained in this affidavit is based on my personal knowledge, as well as information obtained from official documents and the personal knowledge of other law

enforcement officials, surveillance, and interviews of witnesses.

4. This affidavit is being submitted for the limited purpose of setting forth probable cause to support a criminal complaint. I have not set forth each and every fact known to me concerning this investigation. Rather, I have set forth only those facts that I believe are sufficient to establish probable cause to believe that Shamuideen ASEKUN knowingly and intentionally possessed with intent to distribute a controlled substance, namely, in excess of 100 grams of mixtures containing heroin, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

SUMMARY OF THE FACTS ESTABLISHING PROBABLE CAUSE

5. On or about March 4, 2008, USPS Global Express Package, Tracking Number EM08 5091 530I N (the "Subject Parcel") was presented for inspection at the U.S. Customs and Border Protection ("CBP") mail hub in New York. The CBP hub is one of several arrival sites for international mail shipments to the United States and was the first point of entry into the United States for the Subject Parcel. All items making entry into the United States are subject to examination. The Subject Parcel was selected for an extensive exam by CBP Officers.

6. The Subject Parcel was addressed to Sam ASEKUN at 6930 S. Shore Drive, Apartment 324, Chicago, Illinois, 60649. The package showed a return address of 403 Mani-Palace, Bharti Part, Mira RD, Mumbai, India. The exterior of the package was a cloth-like wrapping with handwritten markings indicating the shipping and return address. Through database queries and surveillance, agents determined that 6930 S. Shore Drive, Apartment 324 is an apartment contained within a brick multi-unit apartment building located on the west side of South Shore Drive.

7. When the Subject Parcel was opened by CBP Officers, a photo album was discovered.

Hidden within the covers of the photo album were two clear plastic bags. The plastic bags contained a tan powdery substance. A field-test was conducted on the tan powdery substance. This test indicated that the substance weighed approximately 327 grams and was presumptively positive for the presence of heroin.

8. Agents took custody of the Subject Parcel and its contents for further investigation.

CONTROLLED DELIVERY OF SUBJECT PARCEL

9. On or about March 7, 2008, law enforcement authorities conducted a controlled delivery of the Subject Parcel to 6930 S. Shore Drive, Apartment 324, Chicago, Illinois, 60649 in order to identify the person or persons who took possession of the Subject Parcel. As part of this controlled delivery, the actual controlled substance was replaced with sham material.

10. Before delivering the Subject Parcel and pursuant to a lawful court order, obtained from Magistrate Judge Geraldine Soat Brown on March 7, 2008, agents placed a "Trip Wire Beacon" device inside the recreated photo album containing the sham. The photo album within the Subject Parcel was set to emit a recognizable signal to the agents when the photo album was moved or opened. A short time after the Subject Parcel was delivered, agents and officers received notice from the Trip Wire Beacon device that the Subject Parcel had been breached. After receiving this notice, Agents and Officers executed an anticipatory search warrant obtained from Magistrate Judge Geraldine Soat Brown on March 7, 2008 for 6930 S. Shore Drive, Apartment 324. Once inside the apartment, agents and officers located the photo album behind a garbage can in the kitchen. When the photo album from the Subject Parcel was recovered, the binding of the photo album had been ripped in the area where the heroin had previously been located. Only a few moments had passed from the time that the Subject Item was delivered to ASEKUN to the time it was recovered by

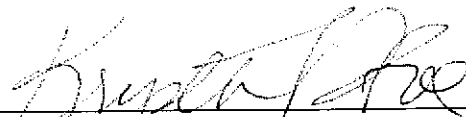
agents.

11. In a further search of the kitchen area inside the apartment, agents recovered a clear plastic bag containing a tan powdery substance. The clear plastic bag was found inside a black plastic bag, which itself was contained within a small brown paper bag, which was inside of a larger brown paper bag. A field-test was conducted on the tan powdery substance. This test indicated that the substance weighed approximately 205 grams and was presumptively positive for the presence of heroin.

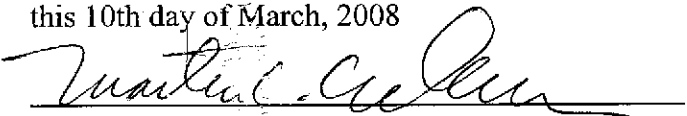
12. Based on my training and experience, possession of either 327 grams or 205 grams of heroin is indicative of an intent to distribute it. In my training and experience, 532 grams of heroin could have an expected street wholesale value of approximately \$25,000 to \$30,000.

13. Based on the aforementioned facts, I respectfully request that a criminal complaint be issued charging Shamusdeen ASEKUN with knowingly and intentionally possessing with intent to distribute a controlled substance, namely, in excess of 100 grams of mixtures containing heroin, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

FURTHER, AFFIANT SAYETH NOT.


Special Agent Krystle L. Intoe
U.S. Immigration and Customs
Enforcement
Chicago RAC-O'Hare Office
Des Plaines, IL 60018

Sworn to before me and subscribed in my presence
this 10th day of March, 2008


Martin C. Ashman
United States Magistrate Judge